

State of South Carolina - United States District Court - Charleston Division  
 CA 5:20-CV-1533-DCC-KDW

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Jeane Volty-Loomis, et al.  
 Plaintiffs

v.

Henry McMaster, in his official  
 capacity as governor of the  
 State of South Carolina, et al.  
 Respondents

Motion for joinder  
 pursuant to FRCP 24  
 and all applicable rules

The plaintiff August B. Kreis, III, #365998, a South Carolina Department of inmate petitions this Honorable Court to be joined as a plaintiff in the above der. FRCP 24/ and all applicable rules.

The plaintiff August B. Kreis, III, #365998 requests this motion to be construed liberally and held to less stringent standards than formal motions and pleadings drafted by attorneys. see: Haines v Kerner. 404 U.S. 519

The plaintiff August B. Kreis, III, #365998 motions this Honorable Court to join to the above case because he is similarly situated just to the other plaintiffs in course of action.

The COVID-19 pandemic is spreading quickly in the Dept. of Corrections. There are to one-hundred (100) staff members of SCDC and close to one-hundred (100) inmates in that have tested positive for COVID-19. see: SCDC website.

The public health officials have warned that once COVID 19 gets into prison facilities it will spread like wildfire, and that unless courts act now, the epicenters of the pandemic will become jails and prisons. The pandemic presents a mor situation for SCDC inmates such as myself. Perry Correctional does not have a plan to confront the deadly virus.

The plaintiff herein is a 65 year old with several underlying medical conditions. People over the age of 50 face greater risk, such as myself, of serious illness or death from COVID-19. In a February 29, 2020 preliminary report, individuals aged 50-59 had an overall 1.3% mortality rate; 60-69 year olds had an overall 3.6% mortality rate and those 70-79 had an 8% mortality rate.

These underlying health conditions place the plaintiff in the high risk category the CDC list, subclass 1, and subclass 2.

The plaintiff is incarcerated on three convicts of CSC running consecutively for total of 50 years by order of Lexington Court

The overall risk posed by COVID-19 in prison is significantly higher than in the community, both in terms of risk of transmission, exposure and harm to individuals who

become infected.

The petitioner in this case is similarly situated just as the other plaintiffs because SCDC has no adequate plan to address the exigent health emergency. As of date, the plan that SCDC supposedly has does not and will not protect SCDC staff or inmates from COVID-19. The plan does not call for the reduction in prison population, which is necessary to allow for sufficient physical distancing. Nor does the plan require testing for inmates and staff.

Early reports estimate that the mortality rate for those with cardiovascular disease was 13.2%, 9.2% for diabetes, 8.4% for hypertension, 8% for chronic respiratory disease and 7.6% for cancer.

The plaintiffs underlying medical conditions are as follows:

The plaintiff is a 65 year old Caucasian male who is overweight and is a double amputee due to many years suffering from uncontrolled diabetes mellitus. He also has high blood pressure and hypertension and is an insulin dependent diabetic. He has also been diagnosed with high cholesterol and failing kidney's.

As stated above the plaintiff has serious underlying health conditions that place him at a high risk to further illness or death.

The plaintiff further states that permitting intervention in this COVID-19 class action would not unduly delay or prejudice the adjudication of the original parties' rights, specifically because of the pandemic and scheduling.

### Conclusion

Plaintiff respectfully motions this Honorable Court to join him as a plaintiff to the COVID-19 class action lawsuit (5:20-CV-1533-DCC KDW) Emergency Petition for Writ of Habeas Corpus.

Plaintiff also motions this court to appoint the ACLU to represent him in this course of action.

August B. Kreis, III, #365998 certify and verify to the best of my knowledge under penalty of perjury that the foregoing is true and correct.

Date: July 4, 2020

August B. Kreis III, #365998  
August B. Kreis, III, #365998



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Certificate of Service

I, August B. Kreis, III, #365998 certify that I have served the Respondents with a copy of my Motion of Joinder by placing a copy of the same in the Perry mailroom hands for mailing addressed as follows:

Brian Stirling	Henry McMaster	U.S. District Court	Dept. of Prob. Parole + Pardon Ser.
SCDC	State House	85 Broad Street	P.O. Box 50666
P.O. Box 21787	1100 Gervais St.	Charleston, SC	Columbia, SC 29250
Columbia, SC	Columbia, SC	29401	
29221	29201		

I, August B. Kreis, III, #365998 certify and verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: July 4, 2020

August B. Kreis, III, #365998  
 August B. Kreis, III, #365998